

California Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400, Oakland, CA 94602  
(510) 622-2300

NOTICE OF PUBLIC HEARINGS  
TO CONSIDER ADMINISTRATIVE CIVIL LIABILITY FOR

Willowbrook Feed, 40 Ely Road, Petaluma, Sonoma County  
Napa Cellars, 7481 St. Helena Highway, Oakville, Napa County  
Napa Garbage Services, Inc., 820 Levintin Way, Napa County  
Kalin Cellars Inc., 61 Galli Drive, Suite F, Novato, Marin County  
Storybook Mountain, 3835 Highway 128, Calistoga, Napa County  
Domaine Mumm, 8445 Silverado Trail, Rutherford, Napa County  
Eagle Marine, 245 North Court St., Martinez, Contra Costa County  
Nicasio Rock Quarry, 5400 Nicasio Valley Road, Nicasio, Marin County  
Ecology Control Industries Inc., 255 Parr Blvd., Richmond, Contra Costa Co.  
Varian Chromatography Systems, 2700 Mitchell Dr., Walnut Creek, Contra Costa County  
Rutherford Grove Winery, 1673 St. Helena Highway, Rutherford, Napa County  
RMC Pacific Materials Inc., 4700 Norris Canyon R., San Ramon, Contra Costa Co.  
Mustards Grill and Consentino Winery, 7339 St. Helena Highway, Napa, Napa County  
American Canyon Sanitary Landfill, 9999 End of Eucalyptus Rd., American Canyon, Napa Co

**Complaint Amount and Allegations**

The San Francisco Bay Regional Water Quality Control Board (Water Board) Assistant Executive Officer has issued administrative civil liability complaints (Complaints) proposing civil liabilities for failure to submit or late submittal of an Annual Report for 2006/07, in violation of the Industrial Activities Storm Water General Permit No. 97-03-DWQ. The proposed amounts of the civil liabilities are as follows:

\$24,200 for Willowbrook Feed (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$24,200 for Napa Cellars (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$24,200 for Napa Garbage Services, Inc. (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$24,000 for Kalin Cellars (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$24,200 for Storybook Mountain (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$11,125 for Domaine Mumm (or undertake a Supplemental Environmental Project in the amount of up to \$5,500 and pay the remainder of the civil liability);

\$11,075 for Eagle Marine (or undertake a Supplemental Environmental Project in the amount of up to \$5,500 and pay the remainder of the civil liability);

\$11,700 for Nicasio Rock Quarry (or undertake a Supplemental Environmental Project in the amount of up to \$5,850 and pay the remainder of the civil liability);

\$24,200 for Ecology Control Industries Inc. (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$24,200 for Varian Chromatography Systems (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$11,100 for Rutherford Grove (or undertake a Supplemental Environmental Project in the amount of up to \$5,550 and pay the remainder of the civil liability);

\$24,200 for RMC Pacific Materials Inc., (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability);

\$24,200 for Mustards Grill and Consentino Winery (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability); and

\$24,200 for American Canyon Sanitary Landfill (or undertake a Supplemental Environmental Project in the amount of up to \$12,100 and pay the remainder of the civil liability).

### **Hearings To Be Held**

The Water Board will hold hearings on the Complaints as follows:

DATE: September 10, 2008  
TIME: 9:00 A.M. or as soon thereafter as practical  
LOCATION: Auditorium, 1515 Clay Street, Oakland, California, 94612

### **Dischargers May Waive Hearing**

No hearing(s) for the Complaint(s) will be held if the Discharger(s) waives their respective right to a hearing and agrees to pay the proposed civil liability as set forth in the Complaint, provided no significant public comments are received during the public comment period. At the hearing(s) the Water Board may affirm, reject, or modify the proposed civil liability for the Dischargers, or refer the matter to the Attorney General for judicial enforcement.

### **Hearing Procedures are Legally Determined**

These will be adjudicatory hearings before the Water Board. The procedures governing such hearings are located in Title 23 of the California Code of Regulations, Subsection 648 et seq.

### **Participation in Hearings**

The Board staff members who will be involved in this matter have been separated into two groups. One group consists of Michelle Rembaum-Fox, Keith Lichten, and Shin-Roei Lee (the “prosecution team”). The prosecution team will appear as a party before the Board. They have had (and will have had) no communication with Board members on this matter outside of the public hearing.

A separate group of staff will advise the Board on this matter. That group (the “advisory team”) consists of Bruce H. Wolfe, Executive Officer, and Dorothy Dickey, an attorney with the State Water Board’s Office of Chief Counsel. They have had no contact with the prosecution team on this matter.

Other than prosecutorial staff, participants at the hearings are either designated as “parties” or “interested persons.” Designated parties to the hearings may present evidence and cross-examine witnesses. Designated parties are subject to cross-examination. Interested persons may present non-evidentiary policy statements and are not subject to cross-examination. Interested persons may not cross-examine parties, but may be asked to respond to clarifying questions.

The following parties are hereby designated as parties at the hearing:

1. Hearing on proposed ACL for Willowbrook Feed: Willowbrook Feed.
2. Hearing on proposed ACL for Napa Cellars: Napa Cellars.
3. Hearing on proposed ACL for Napa Garbage Services, Inc.: Napa Garbage Services, Inc.
4. Hearing on proposed ACL for Kalin Cellars Inc.: Kalin Cellars, Inc.

5. Hearing on proposed ACL for Storybook Mountain: Storybook Mountain.
6. Hearing on proposed ACL for Domaine Mumm: Domaine Mumm.
7. Hearing on proposed ACL for Eagle Marine: Eagle Marine.
8. Hearing on proposed ACL for Nicasio Rock Quarry: Nicasio Rock Quarry.
9. Hearing on proposed ACL for Ecology Control Industries Inc. : Ecology Control Industries, Inc.
10. Hearing on proposed ACL for Varian Chromatography Systems: Varian Chromatography Systems.
11. Hearing on proposed ACL for Rutherford Grove Winery: Rutherford Grove Winery.
12. Hearing on proposed ACL for RMC Pacific Materials Inc.: RMC Pacific Materials, Inc.
13. Hearing on proposed ACL for Mustards Grill and Cosentino Winery: Mustards Grill and Cosentino Winery.
14. Hearing on proposed ACL for American Canyon Sanitary Landfill: Napa Vallejo Waste Management and American Canyon Sanitary Landfill.

To ensure that all participants have an opportunity to participate in the hearings, the prosecution staff will recommend to the Chair the following time limits for each hearing: 10 minutes for prosecutorial staff and Discharger to testify, present evidence, and cross-examine witnesses, and 3 minutes for each interested person to present a non-evidentiary policy statement.

#### **Written Comment and Evidence Deadline**

The deadline to submit any and all written comments and evidence to be offered at the hearing is **5 p.m. on August 11, 2008**. Persons shall submit **14 copies** to Michelle Rembaum-Fox at 1515 Clay Street, Suite 1400, Oakland, CA 94612.

#### **Questions and Updates**

Questions concerning this matter may be addressed to prosecutorial staff Michelle Rembaum-Fox at (510) 622-2387 or by email at [mrembaumfox@waterboards.ca.gov](mailto:mrembaumfox@waterboards.ca.gov). Please also refer to the website given below for future updates and developments on these matters, including any hearing date changes.

#### **Evidentiary Documents on File**

The Complaints and related documents are on file, and may be inspected or copied at the Regional Water Board's offices during weekdays between 8:00 a.m. and 5:00 p.m. The Complaints are also available on the Water Board's website at [www.waterboards.ca.gov/sanfranciscobay](http://www.waterboards.ca.gov/sanfranciscobay).

July 11, 2008 \_\_\_\_\_

Date

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Dyan C. Whyte  
Assistant Executive Officer